

support is clearly found in the specification at page 6, lines 19-20.

Applicants respectfully request reconsideration of the Final Rejection in light of the fact that the present claims would not have been obvious to a person of ordinary skill in the art over the combination of Stenger (DE 3608489 A1) in view of Katata et al. (U.S. 5,815,601, hereafter "Katata") because there is no suggestion or motivation to combine the references.

For example, Stenger discloses that there is a separation of a recorded person with associated objects from the background, and once transmitted, the background is stored in a memory (please see Page 4, last paragraph of translation). The background is retrieved from memory and is not transmitted after the initial extraction and transmission (Stenger states "Thus, they do not lead to a further load of the transmission channel. In the extreme case, an arbitrary, perhaps locally generally background may be inserted"). Therefore, Stenger, in order to save bandwidth, only transmits the foreground information.

However, Katata discloses an image encoder that devises the input image data into blocks and dynamically encodes the data block by block, using image encoding by the dynamic image encoding section 106. Accordingly, as the disclosure by Stenger only

transmits the foreground information in order to conserve bandwidth, and does not transmit background information after an initial transmission where the background is stored in memory, it is respectfully submitted that a person of ordinary skill in the art would not have found motivation, suggestion or teachings by the combination of Stenger and Katata even to combine the teachings of the references, let alone obviate instant claims 1-16.

To summarize, the disclosure by Katata discloses encoding so that the image quality of a selected area becomes better than that of other areas, whereas Stenger only transmits foreground areas.

It contrast, in the presently claimed invention the defined foreground information is based on a block of DCT data, rather than the precise boundary of the video conference participant. The need to accurately represent the contour of the participant is avoided by the DCT blocks, as disclosed in the specification at page 3, lines 13-15.

It is respectfully submitted that this feature of the presently claimed invention is distinguishable from, for example, the teachings of Katata wherein the selected area can subdivide the boundary of the selected area into portions for separate coding (please see Figure 11) by shape encoding and position encoding. It is respectfully also submitted that Katata teaches away from the

presently claimed invention because the reference is concerned with accurately representing the contour of the video conference participant.

Applicants note that in the Court of Appeals held in *In re Fritch*, 972 F.2d 1260, 1266, 23 USPQ 2d 1780, 1783-84 (Fed. Cir. 1992) that:

Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined only if there is some suggestion or incentive to do so. Although couched in terms of combining teachings found in the prior art, the same inquiry must be carried out in the context of a purported obvious "modification" of the prior art. The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.

In the present case, it is respectfully submitted that the teachings of the combination of references does not overcome the standard of establishing obviousness as exemplified in *Fritch*.

Reconsideration and withdrawal of this ground of rejection are respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all grounds of rejection stated in the Final Rejection are overcome. A Notice of Allowance is respectfully requested.

Amendment After Final Rejection
Serial No. 09/196,574

5005-1-089

Should the Examiner deem that there are any issues that are best resolved by a telephone communication, please contact applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,
Daniel Piotrowski
Registration No. 42,079



Date: November 16, 2001

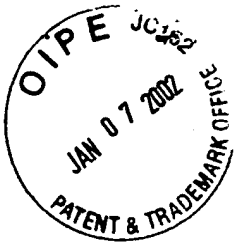
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Enclosure - Version With Markings To Show Changes Made



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: KIRAN CHALLPALI et al. ART UNIT: 2613
SERIAL NO.: 09/196,574 EXAMINER: Richard Lee
FILED: November 20, 1998
FOR: EXTRACTION OF FOREGROUND INFORMATION FOR VIDEO
CONFERENCING

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Assistant Commissioner for Patents
Box AF
Washington, DC 20231

Dear Sir:

In response to the Final Office Action dated August 16, 2001, the Applicants respectfully file a Notice of Appeal and request entry of the following amendment and reconsideration based on the arguments presented herein below.

IN THE CLAIMS:

Please amend the claim 1 as follows:

1. (Amended) An image processing device, comprising:
an input which receives a stereo pair of images;
a foreground extractor coupled to the input which
compares location of like pixel information in each image to
determine which pixel information is foreground pixel information
and which pixel information is background pixel information;

a DCT block classifier coupled to the foreground extractor which determines which DCT blocks of at least one of the images contain a threshold amount of foreground information; and

an encoder coupled to the DCT block classifier which encodes the DCT blocks having the threshold amount of foreground information with a first level of quantization and which encodes the DCT blocks having less than the threshold amount of foreground information as background information at a second lower quantization level.